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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,168	12/21/2000	Armando Paul Stettner	005217.P021	1237
33318	7590	08/26/2005	EXAMINER	
DIGEO, INC. 8815 122ND NE KIRKLAND, WA 98033			CHANG, JUNGWON	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/747,168	Applicant(s) STETTNER, ARMANDO PAUL	
	Examiner Jungwon Chang	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office is responsive to amendment filed on 8/1/2005. Claim 5 is canceled, new claims 21 and 22 are added. Claims 1-4 and 6-22 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz (US 6,292,547).

4. As to claim 12, Katz discloses the invention as claimed, including an article of manufacture, comprising:

a medium-readable medium (97-98, 103; fig. 4) having stored thereon instruction to collect participant input submitted for a show (figs. 2, 5, 7; the data of individual callers collected in the station D for processing in accordance with various programs; col. 3, 17-30; col. 5, lines 14-24; col. 6, lines 48-62; col. 7, lines 20-28 and 45-63), wherein communication

with a participant that submitted the participant input is disconnected subsequent to submission of the participant input (col. 8, lines 60-67);

process the stored participant input to determine relevance of the participant input to the show (fig. 6; determining a winner or loser; col. 13, lines 9-27); and

based on a determination of relevance, alert the participant that submitted the participant input if the participant input is selected for the show (either a win or a loss as indicated...responding appropriately to the caller announcing his results...if there is a win; col. 13, lines 48-55).

5. As to claim 15, Katz discloses instructions to correlate the participant input according to predetermined criteria (col. 6, line 48 – col. 7, line 12; col. 7, lines 45-63).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 9-11, 16, 17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 6,292,547), in view of Perlman et al. (US 2002/0048354).

8. As to claims 1 and 21, Katz discloses the invention substantially as claimed, including a method for screening participant input for content in an interactive show (television views participate on a real-time basis in a game show for prize; col. 15, line 62 – col. 16, line 19), comprising:

for each participant desiring to provide input (col. 3, line 64 – col. 4, line 14; col. 6, lines 48-62; col. 7, lines 20-28 and 45-63):

receiving participant input for a show (col. 6, line 63 – col. 7, line 12; col. 7, lines 20-28 and 45-63) and subsequently disconnecting a communication with a participant that submitted the participant input (col. 8, lines 60-67);

storing the participant input in a storage location (figs. 2, 5, 7; 97-98, 103; col. 5, lines 14-24; col. 7, lines 23-28);

automatically processing the stored participant input to determine a relationship of the participant input to the show (fig. 6; determining a winner or loser; col. 13, lines 9-27);

based on the determined relationship, alerting the participant that submitted the participant input if the participant input is selected for the show (either a win or a loss as indicated...responding appropriately to the caller announcing his results...if there is a win; col. 13, lines 48-55).

9. Katz discloses the television show announcing the participant is a winner and producing an identification data of the winner for use to redeem the prize (col. 13, line 48 – col. 14, line 7). The participant can dial up again to reestablish the connection to

the show and enters the identification data for prize redemption is well known in the art. Katz does not specifically disclose reconnecting the communication to receive additional input from the participant. However, Perlman discloses reconnecting the communication to receive additional input from the participant whose input is selected for the show (page 5, [0047]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz and Perlman because Perlman's automatically reestablishing the connection would allow the user to participate the television show without the necessity of waiting time for the connection.

10. As to claim 2, Katz discloses prior to receiving the participant input for the show, notifying the participant of an availability of the show to receive the participant input (broadcasting the show time; col. 11, lines 15-21; col. 19, lines 31-42).

11. As to claim 3, Katz discloses the show comprises a television show or a radio show (col. 15, line 62 – col. 16, line 19).

12. As to claim 9, Katz discloses the participant input is receivable via a communication medium different from a communication medium usable to alert the participant (col. 4, lines 24-34 and 48-55; col. 13, lines 48-55).

13. As to claim 10, Katz discloses alerting the participant is capable of being done via one of a telephone call, voicemail, facsimile, email, instant message, screen alert, or

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a page (telephone call; col. 13, lines 48-55; screen alert; CT; command CRT computer display terminal; fig. 1; col. 14, line 27 – col. 15, line 61).

14. As to claim 11, Katz discloses the participant input is capable of being done via a telephone call (10, 14, T1-Tn; fig. 1).

15. As to claim 16, it is rejected for the same reason set forth in claim 1 above. In addition, Katz discloses a server (col. 4, lines 15-41) coupleable to a plurality of terminals (10, 14, T1-Tn; fig. 1) to receive participant input for a show from each of a plurality of participants desiring to provide input (col. 6, line 63 – col. 7, line 12; col. 7, lines 20-28 and 45-63), wherein communication with each participant that submitted the participant input is disconnected subsequent to reception of the participant input (col. 8, lines 60-67); a storage unit to store the participant input received by the server (figs. 2, 5, 7; 97-98, 103; col. 5, lines 14-24; col. 7, lines 23-28), the participant input stored in the storage unit capable of being automatically processed to determine a relationship of the participant input to the show (fig. 6; determining a winner or loser; col. 13, lines 9-27); and an alert generator to generate and transmit an alert to a particular participant terminal if, based on the determined relationship, the participant input received from that participant terminal is selected for the show (either a win or a loss as indicated... responding appropriately to the caller announcing his results...if there is a win; col. 13, lines 48-55).

16. As to claim 17, Katz discloses an interactive video casting network coupleable to provide the show to the participant terminal and to provide the participant input from the participant terminal to the server (col. 15, line 62 – col. 16, line 19).

17. As to claim 19, Katz discloses a monitor coupled to the storage unit to control processing of the participant input stored in the storage unit and to control operation of the server (CT; command CRT computer display terminal; fig. 1; col. 14, line 27 – col. 15, line 61)

18. As to claim 20, Katz discloses instructions to correlate the participant input according to predetermined criteria (col. 6, line 48 – col. 7, line 12; col. 7, lines 45-63).

19. Claims 4, 6, 8, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 6,292,547), Perlman et al. (US 2002/0048354), further in view of Walker et al. (US 6,425,828).

20. As to claim 4, Katz discloses appropriately alerting to the participant to announce his results, either a win or a loss (col. 13, lines 48-55). However, Katz and Perlman do not specifically disclose identifying an alert preference of the participant. However, Walker discloses a plurality of methods for alerting the participant (i.e., email, audible or visual alerts; col. 14, lines 25-37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, Perlman



and Walker because Walker's a plurality of alerting methods would allow a user to receive the alert message in his preferred way.

21. As to claim 6, it is rejected for the same reasons set forth in claim 4 above. In addition, Katz discloses alerting (informing) the participant that subject matter related to another participant's input is to be addressed in the show (the monitor may be covered by a television camera to inform the bidders, i.e., participants; col. 14, lines 27-47; col. 15, lines 5-61).

22. As to claim 8, Katz discloses human operator (auctioneer; col. 14, line 27 – col. 15, line 61; col. 2, lines 10-11; col. 5, lines 53-62). However, Katz does not specifically disclose the human operator selecting the participant input for the show. Walker discloses human operator selecting the participant input for the show (col. 12, lines 24-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, Perlman and Walker because Walker's human operator would efficiently manage the television show by properly processing the participant input without any delay.

23. As to claims 13 and 22, they are rejected for the same reasons set forth in claim 4 above.

24. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Katz (US 6,292,547), Perlman et al. (US 2002/0048354), further in view of Omoigui (US 6,694,352).

25. As to claims 7, 14 and 18, Katz discloses classifying participant input relative to the show (call data analyzer; 20a, fig. 1; col. 18, line 66 – col. 19, line 22). However, Katz and Perlman do not specifically disclose keyword searching on the text format to analysis the user input (22, fig. 3; col. 10, lines 8-28; col. 7, lines 53-63); and a speech recognition technique to convert an audio format of the participant input into a text format. Omoigui discloses a speech recognition technique to convert an audio format of the participant input into a text format. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Katz, Perlman and Omoigui because Omoigui's audio-text converter would increase the capability of the system by translating the audio data into text data.

### ***Conclusion***

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Junkin, patent 6,193,610, Rubstein et al, 2003/0061566, Katz, patent 6,349,134, Katz, patent 6,151,387 disclose a method and system for allowing participants to compete in an interactive game occurring in real time television or radio show.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is 571-272-3960. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'JWC' followed by 'Jungwon' in a stylized cursive script.

JWC  
August 19, 2005